In the

United States Court of Appeals

For the Seventh Circuit

No. 02-2210

JAMES GALDIKAS, CATHERINE HANSEN,
CAROL D. HEDGSPETH, et al.,

Plaintiffs-Appellants,

v.

STUART I. FAGAN, PAULA WOLFF,
HARRY KLEIN, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.
No. 01 C 4268 – **Suzanne B. Conlon**, *Judge.*

ON MOTION TO STAY THE MANDATE

OCTOBER 16, 2003[*]

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[*] This opinion is being released initially in typescript form.

RIPPLE, *Circuit Judge* (in chambers). In an application presented to me on October 15, the plaintiffs move to stay the issuance of the mandate pending the filing of a petition for a writ of certiorari. A movant seeking such a stay must demonstrate that there is a reasonable probability of succeeding on the merits and that the movant will suffer irreparable injury absent a stay. *Nanda v. Bd. of Trs. of the Univ. of Ill.*, 312 F.3d 852, 853 (7th Cir. 2002) (Ripple, J., in chambers). To show a reasonable probability of success on the merits, the movant must demonstrate a reasonable probability that four Justices will vote to grant certiorari and a reasonable possibility that five Justices will vote to reverse this court's judgment. *Id.* at 853-54.

The plaintiffs have not met their burden. The plaintiffs assert that this court's decision conflicts with *County of Sacramento v. Lewis*, 523 U.S. 833, 850 (1998), because the panel failed to apply the standards in that case. The court, however, discussed *County of Sacramento* at considerable length and specifically noted that resolution of the ambiguities in that case was not required because the plaintiffs' due process claim failed under any reading of *Lewis*. *See Galdikas v. Fagan*, 342 F.3d 684, 690 n.3 (7th Cir. 2003).

Because the plaintiffs have failed to demonstrate a reasonable probability of success on the merits, the motion must be denied.

Motion for Stay of Mandate Denied